

ELECTRONIC DEVICE MODEL POLICY
What a RESTRICTIVE policy might look like
DRAFT - 1/21/09



I. Definitions.

A. Electronic devices

- beepers,
- pagers,
- cell phones with and without picture-taking capacity,
- Blackberries,
- I-Phones; and
- hands-free devices (Bluetooth)

B. School or school events

- Hours that make up school day, e.g. from 7:40 a.m. until 2:30 p.m., during students' individual courses or during the entire period of the elementary/intermediate school day
- Including school-provided transportation to and from curricular activities and extracurricular activities, including athletic events
- Field trips
- Extended school-sponsor trips or activities

C. Pass time

- The period designated in secondary schools between classes or to allow students to move between classrooms

D. Recess

- Time periods designated in elementary school for exercise or outside activity regardless of whether or not it is designated as instructional time by the school

E. Lunch time

- Time period in either elementary or secondary schools designated for lunch
- May, in elementary schools, be combined with a noon time recess

F. Parent/legal guardian

- Person(s) who has legal responsibility for the child's education

G. Individualized suspicion -

- Information that individual has violated policy;
- generally required for constitutional search (including personal belongings);
- exceptions are possible when privacy interests implicated in search are minimal and where other safeguards are available;
- not as exacting in the public school setting as in criminal law.

H. Reasonable suspicion

- Reasonable suspicion need not be based on a single factor, but on totality of the circumstances;
- aggregate effect of all information available at time of search;
- does not require absolute certainty, but only 'sufficient probability,' the sort of common-sense conclusion about human behavior upon which practical people are

- entitled to rely.
- I. Medical reasons
 - student's illness, with or without a health care professional's documentation
 - student's recurring illness or medical problem(s)
 - J. Instructional time
 - hours during the school day designated by the school or school district;
 - cumulative hours and days during the course of the school year must equal 990 instructional hours and 180 instructional days, consistent with R277-419.

II. Use of Electronic Devices. Electronic devices may be used during the school day, during school-sponsored activities or transportation as follows:

- A. Students may NOT have electronic devices in their possession between 8:00 a.m. and the end of the school day or at school-sponsored extracurricular activities. Exceptions may be made, only in writing through the assigned school counselor or school administrator, for specific and documented medical reasons, unusual family situations, or specifically designated periods.
- B. If students are found in possession of a prohibited electronic device, the device will be confiscated and can only be recovered by a parent/legal guardian at times designated by the school. Students will also be subject to school discipline.
- C. Students/parents are also on notice that confiscated electronic devices are subject to search by school administrators.
- D. A school may, by written policy, establish a warning schedule for student violations which all school employees shall follow. Exceptions will not be made for individual students or for specific time periods except for the most urgent or compelling of reasons or circumstances.

[Policy may allow for differences based on grade levels or age of students.]

III. Exceptions to general electronic device policy shall be made consistent with school district and school policies, but in the judgment and discretion of the school administrator. Exceptions will only be made for compelling circumstances, and only if offered expressly by the parent/requestor.

- A. Medical reasons
 - School administrators may give specific permission for written parental requests for students to possess electronic devices during the regular school day (or instructional time) for specific and documented medical reasons, if the devices are on silent mode.
- B. Parent request
 - A parent may request an exception from this policy for a limited time period and only upon showing of a documented and substantial need which cannot be satisfied by other means. Exceptions may be granted at the sole discretion of the school

principal or his designee and may be rescinded by the principal at any time.

C. Teacher permission

- Teachers may allow for limited use of electronic devices subject to prior written approval by the school principal. Use must be for a defined period of time and directly related to an instructional activity. Permission may be rescinded effective immediately if students are found to be in violation of the policy outside of the designated class time.

D. Emergency

- Emergency use of electronic devices shall be limited to the provisions of this policy, e.g. to protect the safety of the student, other students, school employees during the limited period of the emergency.

E. Parents shall make written requests for exceptions to the school district/ school policy to the school principal or his designee prior to the student's need to possess or use an electronic device in violation of the school district/school policy. Schools shall have forms available at the main office and in the counseling center for parent/student requests for exceptions to the electronic device policy.

IV. Consequences for Violation of Policy.

A. Students will not be given warnings before being subject to the provisions of this policy. Parents and students are expected to be familiar with and to act consistent with the policy at all times. Students may be entitled to a warning by teachers for violations prior to discipline or confiscation of the device.

B. Only parents/legal guardians may retrieve electronic devices belonging to their children. They may reclaim devices on school days between 7 a.m. and 4 p.m. or upon appointment with a designated administrator. Devices may only be maintained by the school for four weeks after which time the devices may be donated to local charitable organizations. If devices are donated, all personal information shall be cleared by the school/school district prior to the donation. The school is not responsible for lost, theft or security of confiscated devices.

C. A school may impose other consequences for a student's violation of the electronic device policy only following notice to the school community. Such penalties are not exhaustive and more than one penalty may be imposed, if warranted. Such penalties may include:

- loss of electronic device privileges
- disciplinary letter
- in-school suspension
- suspension
- loss of extracurricular or honor privileges or recognition.
- If students are defiant and will not cooperate with school administrators and/or will not surrender electronic device(s), the designated school administrator may take appropriate action for the safety and well being of the student and other students or employees at the school. The school principal or designee shall notify a parent immediately of additional penalties.

V. Notice to Students and Parents of Policy.

- A. Parents and students shall receive annual written notice of a school district's/school's electronic device policies. Written notice may be satisfied by posting the policy on the school district's/school's website, publishing the policy in a school handbook or directory, sending the policy to the student's home or any other reasonable means.
- B. Parents and students shall receive annual notice of the policy;
 - parents and students shall receive notice of changes in the school district/school policy in a timely manner and through reasonable means.
 - A copy of the most current policy shall always be available in the main office of the school and shall be posted online on the school website, if a school has a website.
- C. Schools may require that parents return a copy of the policy with their signature indicating that they have had access to the policy.
- D. Information to parents should include exceptions to the policy and potential consequences for students.
- E. Information to parents shall provide clear information of how *best* to contact students during school hours or activities, in lieu of immediate contact by electronic device.
- F. Students and parents shall be notified that law enforcement may be contacted, at *school's discretion*, if *circumstances warrant* such contact.

VI. Confiscated Electronic Devices.

- A. Only licensed school personnel (unless other employees are specifically identified in policy) may confiscate student electronic devices.
- B. Licensed school employees are discouraged from searching student electronic devices except with "reasonable suspicion" that would warrant a search. Educators who confiscate an electronic device in accordance with this policy may search the device based on their "reasonable suspicion" that the student has violated this policy. Such a search may include a review of text messages, photo files, and recent, missed, or dialed calls.
- B. Licensed school employees may search an electronic device if the device is found by the employee for the limited purpose of determining the device's owner.
- C. Schools will do their best to guard and protect confiscated electronic devices, but are not responsible for loss, damage, theft.
- D. Schools will make a good faith effort to notify parent(s) that electronic device is in school's possession. Parents will be expected to retrieve confiscated devices within seven school days. Unclaimed devices cleared of personal data will be donated after four weeks.

VII. Other Provisions.

- A. Picture taking or recording by students is strictly forbidden in school or school activity private areas, such as locker rooms, counseling sessions, washrooms, dressing areas.
- B. Students bring electronic devices on school property or to school activities at their own risk. The school is not responsible for lost, stolen or damaged electronic equipment.
- C. Students are strictly responsible for their own electronic devices. If devices are borrowed or taken and misused by non-owners, device owners are jointly responsible for the misuse or policy violation(s).
- D. Students and parents should be informed and understand that confiscated electronic devices may be subject to search by school officials.
- E. A student's penalties for violation(s) of an electronic device policy provision may vary depending upon the intentional nature of the violation, other disciplinary actions the student may have received and specific circumstances of the violation.

